

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GEORGIA-PACIFIC CONSUMER PRODUCTS, LP,
FORT JAMES CORPORATION, and
GEORGIA-PACIFIC, LLC,

Plaintiffs,

v.

NCR CORPORATION, INTERNATIONAL PAPER
COMPANY, AND WEYERHAEUSER COMPANY,

Defendants,

INTERNATIONAL PAPER COMPANY,

Counterclaimant,

v.

GEORGIA-PACIFIC CONSUMER PRODUCTS, LP,
FORT JAMES CORPORATION, and
GEORGIA-PACIFIC, LLC,

Counterdefendants,

INTERNATIONAL PAPER COMPANY,

Crossclaimant,

v.

NCR CORPORATION and WEYERHAEUSER
COMPANY,

Crossdefendants.

Civil Action No. 1:11-cv-483

Judge Robert J. Jonker

**DEFENDANT WEYERHAEUSER
COMPANY'S MOTION FOR
LEAVE TO FILE AMENDED
ANSWER, COUNTERCLAIM,
CROSS-CLAIMS, AND THIRD-
PARTY COMPLAINT**

**MOTION FOR LEAVE TO FILE AMENDED ANSWER, COUNTERCLAIM,
CROSS-CLAIMS, AND THIRD-PARTY COMPLAINT**

Defendant Weyerhaeuser Company respectfully moves the Court under Federal Rules of Civil Procedure 7(b), 14(a), 15(a)(2), and 16(b)(4) for an order (1) granting Weyerhaeuser leave to file the attached amended answer, counterclaim, cross-claims, and third-party

complaint and (2) scheduling a status conference once the time for assertion of potential cross-claims has passed.

As explained in Weyerhaeuser's brief in support of this motion, granting Weyerhaeuser's motion will ensure that all of the paper-mill-related parties responsible for environmental investigation and cleanup costs for the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site ("Site") are present in this matter. Additionally, granting Weyerhaeuser leave to add claims against the existing parties to recover the costs that Weyerhaeuser has incurred and will incur remediating the Site will allow the claims of all parties (not just Georgia-Pacific) who have incurred and will incur costs to be resolved in this action.

As required under Rule 7.1(d) of the Local Rules of Civil Practice and Procedure, Weyerhaeuser has conferred by telephone with counsel for all of the parties regarding this motion. Plaintiff Georgia-Pacific does not oppose amendment of Weyerhaeuser's counterclaim or the addition of proposed third-party defendant MW Custom Papers, LLC ("Mead"). Defendant International Paper Company does not oppose the addition of Mead, with the proviso that it be allowed to assert cross-claims against Mead. Defendant NCR Corporation reserves its position on the motion.

RESPECTFULLY SUBMITTED this third day of February, 2012.

/s/ Scott M. Watson

Douglas A. Dozeman

Scott M. Watson

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